



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**FILED**

07-18-06

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Application of San Diego Gas & Electric Company (U-902-E) for Adoption of an Advanced Metering Infrastructure Deployment Scenario and Associated Cost Recovery and Rate Design.

Application 05-03-015

**MOTION OF UTILITY CONSUMERS' ACTION NETWORK  
AND DIVISION OF RATEPAYER ADVOCATES  
TO MODIFY THE PROCEDURAL SCHEDULE**

Pursuant to Rule 45 of the California Public Utilities Commission's Rules of Practice and Procedure, Utility Consumers' Action Network (UCAN) and Division of Ratepayer Advocates (DRA hereby move to modify the procedural schedule in this proceeding based upon identified and suspected deficiencies in the "amended" testimony served upon the parties on Friday afternoon, July 14<sup>th</sup>, just two weeks before intervenor testimony is due. Due to the size of the filing, actual receipt of the filing was Monday, July 17.

DRA and UCAN (hereinafter "Movants") are the two most active intervenors in this proceeding. Movants have been working furiously to comply with an August 1st testimony deadline and, at this time, are both still awaiting data responses from SDG&E that are necessary to complete the testimony. Given the new amended testimony however, DRA has already identified a number of new data requests that will be necessary.

In the midst of all of this work, SDG&E has chosen to serve this unscheduled "amended" testimony upon the parties about two weeks before DRA and UCAN's testimony is due. The amended testimony is, by SDG&E's own admission,

voluminous. It encompasses 335 pages, compared to about 345-50 pages of supplemental testimony filed in March 2006. Movants estimate that approximately 90% of the new filing is a duplication of the original testimony with a few changes per chapter. The changes are only broadly described in the first paragraph of each new chapter, but there are no strikeouts or additions, so it is up to the reader to go through line by line to see what has changed. The amended testimony was so large that it was rejected by a number of parties' e-mail services. UCAN was not even aware of the service of this testimony until Monday, July 17<sup>th</sup>.

The scope of the amended testimony was not sanctioned by the CPUC. The May 19<sup>th</sup> ruling by ALJ Gamson directed SDG&E to provide supplemental testimony on June 16<sup>th</sup> and gave parties a full six weeks to incorporate that into their responsive testimony. However, the ALJ did not sanction service of last minute amended testimony.

The amended testimony is highly deficient in the following ways:

1. It is not redlined, so it is extremely difficult to identify the "amendments" or changes from SDG&E's previous testimony. It is inevitable that data requests will be necessary to clarify questions to either explain the workpapers, the synergies between the workpapers and the amended testimony, and the amended testimony as well. There simply is not enough time for even one set of data requests to go out and be responded to before intervenor testimony is due. The amended testimony calls for a new rate design, more technologies, and changed elasticities, for example. An amendment to one affects intervenor analysis of the others. Analyzing these changes is not a simple task of comparing an old number to a new number. To be given such a short period of time and to be expected to provide worthwhile analysis is unfair;
2. Workpapers were not served concurrently with the testimony, so it is impossible to determine the basis for many of the numerical changes. DRA has been informed that it will only receive workpapers supporting the latest testimony on Friday, July 21, a mere week before testimony is to be served;

3. It dramatically revised demand elasticities for customer classes;
4. It contains preemptive revisions that anticipate and complicate intervenor testimony. For example, it contains a last minute revision of residential demand impact, in response to data requests by UCAN that highlighted SDG&E's reliance upon the wrong critical peak pricing periods in its initial applications;
5. It modifies its role-out plan so as to install 57,000 smart thermostats for small C&I;
6. It reclassifies items from O&M to capital and visa versa, thus creating serious cost tracking problems for DRA and UCAN analysts; and
7. The demand response benefits have increased by \$26.7 million, an increase of over 10% above the original filing estimate. Furthermore, the revenue requirement has also changed, increasing customer revenue responsibilities by over \$20 million.

In sum, this “amended” testimony is too much and too late. Rather than clarifying the record, it complicates it. Furthermore, it frustrates the ability of DRA and UCAN to comply with the current schedule.

DRA and UCAN request that the Commission either reject the SDG&E amended testimony by striking it, or, in the alternative, that it modify the proceeding schedule so as to give intervening parties an additional 21 days to file their testimony and reduce the time that SDG&E has in responding to intervenor testimony from 30 days to 18 days.

The schedule has already been substantially compressed; so much so that the ALJ has been given only 8 weeks to prepare a draft decision. Thus, it is inappropriate to further compress the post-hearing schedule. Given the scope of the issues, it is also inappropriate to compress the briefing schedule.

However, DRA and UCAN submit that it is appropriate that SDG&E's responsive testimony be compressed because, according to SDG&E, 18 days is a sufficient period of time in which to fashion testimony. Otherwise, it would not have

waited until two weeks prior to intervenor testimony filing to have served a dramatically revised set of testimonies.

Accordingly, DRA and UCAN propose the following amended schedule:

<b>Event</b>	<b>Date</b>
Amended SDG&E Testimony Served	July 14, 2006
Intervenor Testimony Served	August 21, 2006
Rebuttal Testimony Served	September 8, 2006
Telephonic Scheduling Conference with ALJ	September 14, 2006
Evidentiary Hearings	September 25 – October 6,

Movants also request that the Commission compel SDG&E to provide a red-lined version of the amended testimony along with corresponding workpapers to the amended testimony no later than July 25, 2006. Movants also request that SDG&E be directed to respond to any data requests referencing the amended testimony within seven days of service of those data requests. Finally, Movants request that responses to this motion and a decision by the Commission be expedited, since, given the rapidly approaching August 1 deadline, this motion will be rendered moot if this request is not granted.

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For the reasons stated above, Movants respectfully request the procedural schedule be modified as described herein, and that all other relief be granted as necessary.

Respectfully Submitted,

/s/ PAUL ANGELOPULO

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Dated: July 18, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of **MOTION OF UCAN AND DRA TO MODIFY THE PROCEDURAL SCHEDULE** in **A.05-03-015** by using the following service:

☒ **E-Mail Service:** sending the entire document as an attachment to an e-mail message to all known parties of record to this proceeding who provided electronic mail addresses.

☐ **U.S. Mail Service:** mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed on July 18, 2006 at San Francisco, California.

/s/ PERRINE D. SALARIOS

Perrine D. Salariosa

**N O T I C E**

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